

**REMARKS**

Claims 1-20 are pending. Applicants acknowledge the withdrawal of the rejections over Tagowa et al. indicated in the Office Action. For the following reasons, reconsideration of the new rejections based on new grounds is respectfully requested.

**I. REPLY TO REJECTIONS**

**A. 35 U.S.C. § 102**

On page 2 of the Office Action, claims 1-8, 14, 16, 18 and 20 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,654,746 to McMullan, Jr. et al. (hereinafter "McMullan"). The rejection is respectfully traversed.

McMullan discloses a communication system for delivering game signals from a source to a user's home. On the transmitting end, the game signals are sent to a cable operator who modulates the game signals with other service channels such as digital music and cable television that are frequency division multiplexed. On the receiving end, a terminal in the form of a game service home adapter receives the frequency multiplexed signals, but is able to select only the game signal.

More specifically, McMullan discloses that a provider of games 100 provides game signals in the form of time vision multiplexed game data (of a plurality of game data) (see, for example Fig. 1, col. 4, lines 32-35) to a satellite service provider 125 or a local service provider 150. The local service provider 150 combines the received game signals with other service channels such

as digital music, cable television, telecommunications, computer software channels and the like. The game signals and the other programming is frequency division multiplexed by the local service provider 150. All of these signals are then transmitted via a cable distribution plant 156 to a subscriber location 175 (see for example, FIG. 1, column 5, lines 33-39).

It is specifically disclosed in McMullan that the game delivery service signals are frequency division multiplexed at a selected channel (see for example, column 5, lines 43-46). Thus, when the game signals and other service channels are multiplexed in McMullan, they are frequency division multiplexed for transmission to a subscriber location 175. Prior to such frequency division multiplexing of the game signals with the broadcast programming, McMullan discloses the game data is time division multiplexed for transmission from a national game service provider 100 to the satellite service provider 125 or the local service provider 150 (see for example, column 4, lines 33-34, and FIG. 1). Therefore, any disclosure of time division multiplexing in McMullan applies only to game data that are multiplexed into game signals. When the game signals are multiplexed with signals in other service channels, such as cable television broadcast programming, the game signals and broadcast programming signals are frequency division multiplexed.

Furthermore, McMullan discloses a dedicated game adapter 177 that is connected to a cable plant 156 at a subscriber location 175 to receive the game signals embedded in the received channels that have been frequency division multiplexed. The game service home adapter 177 receives the frequency division multiplexed game data channels and demodulates and decodes

just the game data and subscriber authorization in the control data (see for example, column 5, lines 47-50). A game player 178 receives such a game adapter 177 in a slot that usually receives a game cartridge for play. In McMullan, this game adapter 177 is connected to the cable provider (150) so that the game player 178 is able to download and play a plurality of different games through the game adapter 177 without having to change game cartridges containing individual games (see for example, col. 5, lines 50-67).

The game adapter 177 includes an RF input 201 for receiving broadband radio frequencies extending 1-2 GHz in bandwidth. The game adapter 177 also includes a tuner/demodulator 202 that tunes to one or more of these frequencies, in particular, to a channel on which the game data is multiplexed and transmitted as QPR modulated data on a frequency in the FM band (see, for example, col. 6, lines 40-47). The tuner/demodulator 202, under the control of a game controller ASIC 200, provides demodulated game data streams to an ASIC input data port via a data bus 230 (see, for example, col. 6, lines 51-53). The game controller ASIC 200 tunes the tuner 202 to a frequency of 50-150 MHz, for example (see, for example, col. 6, lines 60-63), and filters data for the game adapter 177 or the game player 178 so that the game adapter 177 appears as a game cartridge to the game player 178 (see, for example, col. 7, lines 5-17). In this context, the ASIC 200 receives demodulated data from the tuner 202, and the tuner 202 maybe programmably tuned to different programmable frequencies within the control of the national game center location 100, or the local service provider 150 (see, for example, col. 7, lines 29-36).

McMullan's game player 178 receives a game cartridge or a game adapter 177 that is only able to receive a variety of games. Thus, the game player 178 is not a receiver configured to receive a regular broadcast signal. More specifically, the home game adapter 177 and the tuner demodulator 202 are disclosed as providing demodulated game data streams, but not the broadcast programming signals. There is no disclosure in McMullan of the ability to select the image and audio information corresponding to a broadcast channel desired by a user. By extension, there is no signal generated by the game controller ASIC 200 that selects the image and audio information corresponding to a broadcast channel desired by a user.

In view of all of the above, McMullan fails to disclose or suggest a game service receiving device comprising a tuning unit configured to receive the image and audio information of a broadcast signal, a game program ordered by a user, and game-related information, and to select either the image and audio information corresponding to a broadcast channel desired by the user, or the game program ordered by a user, as variously called for in independent claims 1 and 5. McMullan also fails to disclose or suggest a multiplexer configured to convert image and audio information of a broadcast signal, a game program, and game related information by a packet unit on a time basis into a transport stream, as variously called for in independent claims 2 and 3.

McMullan also fails to disclose or suggest converting image and audio information of a broadcast signal, a game program, and game-related information by packet unit on a time basis into a transport stream, as recited in independent claim 14. McMullan also fails to disclose or

suggest extracting a game list comprising game-related information from a transport stream that includes time basis multiplexed packet units of image and audio information of a broadcast signal, a listing of game programs, and game-related information, as recited in independent claim 16. McMullan also fails to disclose or suggest a broadcast and game receiving device, comprising a downloader configured to receive a transport stream having time basis multiplexed packet units of image and audio information of a broadcast signal of a channel, a game program, and game related information, and to download a game program ordered by a user using the game related information encoded with the image and audio information of the broadcast signal, as recited in independent claim 20.

In view of the deficiencies in McMullan, claims 1, 2, 3, 5, 14, 16 and 20 are patentable. Claim 4, which depends from claim 3, and claims 6-8, which depend from claim 5, and claim 18, which depends from claim 16, are likewise patentable over McMullan for at least the reason discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

**B. 35 U.S.C. § 103(a)**

On page 6 of the Office Action, claims 9-13 are rejected under 35 U.S.C. §103(a) over McMullan, in view of U.S. Patent No. 5,935,004 to Tarr et al. (hereinafter "Tarr"). The rejection is respectfully traversed.

As discussed above, McMullan discloses a tuner demodulator 202 that demodulates game data streams under the control of the ASIC game controller 200. Because the game adapter 177

is merely a cartridge for games that is only able to download games, it and its components do not select or demodulate broadcast signals. Consequently, McMullan fails to disclose or suggest a processor configured to receive an input from a user interface, and to output either a first control signal to select a broadcast signal of a channel desired by a user, or a second control signal to order a game desired by the user, and a common game interface module configured to receive the first control signal and to demodulate a broadcast signal of a channel selected by user, a game program, and game-related information, as recited in claim 9. Tarr fails to overcome the deficiencies in McMullan, as Tarr is merely cited as allegedly teaching a modem configured to receive a control signal to order a game desired by a user and output a corresponding ordering signal. Consequently, independent claim 9 is patentable over the applied references and their combination. Claims 10-13, which depend from claim 9, are likewise patentable over the applied references and their combination for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 7 of the Office Action, claim 15 is rejected under 35 U.S.C. 103(a) over McMullan, in view of U.S. Patent No. 6,267,672 to Vance (hereinafter "Vance"). The rejection is respectfully traversed.

As discussed above, McMullan fails to disclose or suggest all of the features recited in independent claim 14, from which claim 15 depends. Vance fails to overcome the deficiencies in McMullan as Vance is merely asserted for the teaching of adding a new game program and game

related information to a previously established game list. Thus, claim 15 is patentable over the applied references and their combination for at least the reasons discussed above with respect to independent claim 14 and for the additional features it recites. Withdrawal of the rejection is respectfully requested.

On page 8 of the Office Action, claims 17 and 19 are rejected under 35 U.S.C. 103(a) over McMullan, in view of U.S. Patent No. 5,489,103 to Okamoto (hereinafter "Okamoto"). The rejection is respectfully traversed.

As discussed above, McMullan fails to disclose or suggest each and every feature of claim 16, from which claims 17 and 19 depend. Okamoto fails to overcome the deficiencies in McMullan as Okamoto is merely applied as allegedly teaching displaying an extracted game list as displayed to a user on his screen. Thus, claims 17 and 19 are patentable over the applied references and their combination for at least the reasons discussed above with respect to independent claim 16 and for the additional features they recited. Withdrawal of the rejection is respectfully requested.

## **II. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned

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attorney, **Seth S. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read "Seth S. Kim", written in a cursive style.

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